UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/903,838 | 07/11/2001 | Richard E. Fangman | P116468 | 2194 |

40401 7590 01/08/2010

Hershkovitz & Associates, LLC
2845 Duke Street
Alexandria, VA 22314

| EXAMINER | |
|---|---|
| LEE, ANDREW CHUNG CHEUNG | |
| ART UNIT | PAPER NUMBER |
| 2476 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 01/08/2010 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@hershkovitz.net
patent@hershkovitz.net

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application Number: 09/903,838
Filing Date: July 11, 2001
Appellant(s): FANGMAN ET AL.

Richard Fangman et al.
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 09/29/2009 appealing from the Office action mailed 01/22/2009.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

This appeal involves claims 1 – 8, 10 – 23, 25 – 38, and 40 – 107.

Claims 9, 24 and 39 have been cancelled.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the issues in the brief is correct.

The appellant's statement of the issues in the brief is substantially correct.

**(7) Claims Appendix**

Claims are rejected: 1 – 8, 10 – 23, 25 – 38, and 40 – 107.

Claims have been cancelled: 9, 24, 39.

**(8) Evidence Relied Upon**

| | | |
|---|---|---|
| US-2002/0052915 | Amin-Saleni, Bahman | 05-2002 |

| | | |
|---|---|---|
| US-6097719 | Benash et al. | 08-2000 |
| US-6772210 | Edholm, Philip K. | 08-2004 |
| US-7002973 | MeLampy et al. | 02-2006 |
| US-6798751 | Voit et al. | 09-2004 |
| US-20020044567 | Voit et al. | 04-2002 |
| US-6980526 | Jang et al. | 12-2005 |
| US-20010043571 | Jang et al. | 11-2001 |
| US-20020093915 | Larson, Victor | 07-2002 |
| US 6765881 | Rajakarunanayake, Yasantha H. | 07-2004 |
| US-6529499 | Doshi et al. | 03-2003 |
| US-6097719 | Benash et al. | 08-2000 |
| US-6577642 | Fijolek et al. | 06-2003 |
| US-6822957 | Schuster et al. | 11-2004 |
| US-6958992 | Lee et al. | 10-2005 |

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims **1, 31, 46**, **2, 17, 32, 47, 3, 15, 18, 30, 33, 45, 48, 59**, **4, 6, 19, 34, 21, 36, 49, 51, 5, 20, 35, 50, 7, 22, 37, 52,** 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US 6958992 B2) in view of Schuster et al. (US 6822957 B1).

**Regarding claims 1, 31, 46,** Lee et al. disclose a method, system for configuring an IP telephone *(Fig. 3, Fig. 6, col. 1, lines 39 – 42*), a memory medium, wherein the memory medium stores program instructions which are executable to perform *("database that stores, access code"; col. 2, lines 65 – 67, col. 3, lines 1- 7)*, and service gateway *(Fig. 1, element 100*) comprising: receiving an identifier from the IP telephone *(Fig. 3, element 320 Service Provider ID, col. 3, lines 23 – 32);* determining if the identifier is valid *(Fig. 3, col. 3, lines 33 – 39);* determining if a MAC ID for the IP telephone is valid *(Fig. 3, col. 3, lines 33 – 39);* if the MAC ID is determined to be valid, determining if the identifier is valid *(Fig. 4, col. 4, lines 12 – 24, col. 6, lines 14 – 26).*

Lee et al. do not disclose assigning a range of port numbers to the IP telephone based on the identifier, wherein the IP telephone is operable to use at least a subset of the range of port numbers to send or receive IP communications.

Schuster et al. in the same field of endeavor teach assigning a range of port numbers to the IP telephone based on the identifier, wherein the IP telephone is operable to use at least a subset of the range of port numbers to send or receive IP communications *("the block of locally unique ports"; col. 13, lines 1 – 27, 40 – 42).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lee et al. to include the features

of assigning a range of port numbers to the IP telephone based on the identifier, wherein the IP telephone is operable to use at least a subset of the range of port numbers to send or receive IP communications as taught by Schuster et al. in order to provide a method for distributed network address translation in a network telephony system *(as suggested by Schuster et al., see col. 3, lines 19 – 21).*

**Regarding claims 2, 17, 32, 47,** Lee et al. disclose open port request with the MAC address, the set type, and the IP address to the set registration process. Lee et al. do not disclose explicitly the method, system claimed wherein said range of port numbers comprises ports which are not reserved for use by other IP protocols.

Schuster et al. teach the method, system claimed wherein said range of port numbers comprises ports which are not reserved for use by other IP protocols *("request a set of locally unique ports from router for external communications", "assigned thirty-two locally unique ports in the range of 1026 – 1057"; col. 11, lines 1 – 12; col. 16, lines 13 – 20).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lee et al. to include the features of the method, system claimed wherein said range of port numbers comprises ports which are not reserved for use by other IP protocols as taught by Schuster et al. in order to provide a method for distributed network address translation in a network telephony system *(as suggested by Schuster et al., see col. 3, lines 19 – 21).*

**Regarding claims 3, 15, 18, 30, 33, 45, 48, 59**, Lee et al. disclose the method, system, service gateway claimed further comprising: mediating IP communications

between the IP telephone and an IP device *("registered IP phone on the IP phone switch" correlates to mediating IP communications between the IP telephone and an IP device, Fig. 4, col. 4, lines 8 – 16).*

Lee et al. do not disclose explicitly wherein the IP telephone uses at least a subset of the range of port numbers to send or receive said IP communications.

Schuster et al. in the same field of endeavor teach wherein the IP telephone uses at least a subset of the range of port numbers to send or receive said IP communications ("*request a set of locally unique ports from router for external communications", "assigned thirty-two locally unique ports in the range of 1026 – 1057" correlates to operable to use at least a subset of the range of port numbers to send or receive IP communications; col. 11, lines 1 – 12; col. 16, lines 13 – 20*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lee et al. to include the features of wherein the IP telephone uses at least a subset of the range of port numbers to send or receive said IP communications as taught by Schuster et al. in order to provide a method for distributed network address translation in a network telephony system *(as suggested by Schuster et al., see column 3, lines 19 – 21).*

**Regarding claims 4, 6, 19, 34, 21, 36, 49, 51,** Lee et al. disclose the method, system, and service gateway claimed wherein said mediating the IP communications *(Fig. 4, col. 4, lines 8 – 16)* comprises: receiving a data packet from the IP telephone *("send a request for registration"; Fig. 3, col. 3, lines 16 – 19)* and sending the data

packet to the IP device *("send a request for registration to the IP phone switch"; Fig. 3, col. 3, lines 16 – 19).*

Lee et al. do not disclose explicitly performing a network address persistent port translation (NAPPT) on the data packet.

Schuster et al. in the same field of endeavor teach performing a network address persistent port translation (NAPPT) on the data packet *("Network Address Translation"; Fig. 9, col. 15, lines 32 – 47).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lee et al. to include the features of performing a network address persistent port translation (NAPPT) on the data packet as taught by Schuster et al. in order to provide a method for distributed network address translation in a network telephony system *(as suggested by Schuster et al., see column 3, lines 19 – 21).*

**Regarding claims 5, 20, 35, 50,** Lee et al. disclose the method, system, and service gateway claimed wherein said mediating the IP communications *(Fig. 4, col. 4, lines 8 – 16).*

Lee et al. do not disclose explicitly the method, system claimed wherein the data packet comprises a private source IP address, a source port, and destination information associated with the IP device, wherein the private source IP address comprises a private IP address of the IP telephone, and wherein the source port number comprises a port number in the assigned range of port numbers; and wherein said performing a network address persistent port translation (NAPPT) on the data

packet comprises changing the private source IP address to a public source IP address while leaving the source port number unchanged, and wherein the public source IP address and the source port number may be used to uniquely identify the IP telephone.

Schuster et al. teach the method, system claimed wherein the data packet comprises a private source IP address *("local IP address"; col. 3, lines 2 – 3),* a source port number *("locally unique port"; col. 3, lines 20 – 22)*, and destination information associated with the IP device *("a common external network address"; col. 3, lines 24 – 32),* wherein the private source IP address comprises a private IP address of the IP telephone, and wherein the source port number comprises a port number in the assigned range of port numbers *(col. 3, lines 20 – 32; col. 8, lines 45 – 50; col. 10, lines 23 – 32; "request a set of locally unique ports from router for external communications", "assigned thirty-two locally unique ports in the range of 1026 – 1057"; col. 11, lines 1 – 12; col. 16, lines 13 – 20);* and wherein said performing a network address persistent port translation (NAPPT) on the data packet comprises changing the private source IP address to a public source IP address while leaving the source port number unchanged, and wherein the public source IP address and the source port number may be used to uniquely identify the IP telephone *(Fig. 9, col. 15, lines 32 – 47; col. 16, lines 13 – 20).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lee et al. to include the features of claimed wherein the data packet comprises a private source IP address, a source port, and destination information associated with the IP device, wherein the private source IP address comprises a private IP address of the IP telephone, and wherein the

source port number comprises a port number in the assigned range of port numbers; and wherein said performing a network address persistent port translation (NAPPT) on the data packet comprises changing the private source IP address to a public source IP address while leaving the source port number unchanged, and wherein the public source IP address and the source port number may be used to uniquely identify the IP telephone as taught by Schuster et al. in order to provide a method for distributed network address translation in a network telephony system *(as suggested by Schuster et al., see column 3, lines 19 – 21).*

**Regarding claims 7, 22, 37, 52,** Lee et al. disclose the method, system, and service gateway claimed wherein said mediating the IP communications *(Fig. 4, Fig. 4, col. 4, lines 8 – 16).*

Lee et al. do not disclose explicitly the method, system claimed wherein the data packet comprises a public destination IP address, a destination port number; and source information associated with the IP device, wherein the destination port number comprises a port number in the assigned range of port numbers, and wherein the public destination IP address and the destination port number may be used to uniquely identify the IP telephone; and wherein said performing a network address persistent port translation (NAPPT) on the data packet comprises using the public destination IP address and the destination port number to uniquely identify the IP telephone, and changing the public destination IP address to a private destination IP address while leaving the destination port number unchanged, wherein the private IP address comprises an IP address of the IP telephone.

Schuster et al. teach the method, system claimed wherein the data packet comprises a public destination IP address, a destination port number; and source information associated with the IP device, wherein the destination port number comprises a port number in the assigned range of port numbers, and wherein the public destination IP address and the destination port number may be used to uniquely identify the IP telephone *(col. 3, lines 20 – 32; col. 8, lines 45 – 50; col. 10, lines 23 – 32; col. 16, lines 13 – 20);* and wherein said performing a network address persistent port translation (NAPPT) on the data packet comprises using the public destination IP address and the destination port number to uniquely identify the IP telephone, and changing the public destination IP address to a private destination IP address while leaving the destination port number unchanged, wherein the private IP address comprises an IP address of the IP telephone *(Fig. 9, col. 15, lines 32 – 47; col. 16, lines 13 – 20).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lee et al. to include the features of the method, system claimed wherein the data packet comprises a public destination IP address, a destination port number; and source information associated with the IP device, wherein the destination port number comprises a port number in the assigned range of port numbers, and wherein the public destination IP address and the destination port number may be used to uniquely identify the IP telephone; and wherein said performing a network address persistent port translation (NAPPT) on the data packet comprises using the public destination IP address and the destination port

number to uniquely identify the IP telephone, and changing the public destination IP address to a private destination IP address while leaving the destination port number unchanged, wherein the private IP address comprises an IP address of the IP telephone as taught by Schuster et al. in order to provide a method for distributed network address translation in a network telephony system *(as suggested by Schuster et al., see column 3, lines 19 – 21).*

**Regarding claim 16**, Lee et al. disclose a system for performing IP telephony *(Fig. 1, Fig. 8A col. 2, lines 19 – 25),* comprising: a network *("over a LAN" correlates to a network; Fig. 1, col. 2, line 19 – 25)*; an IP telephone *("element 102, IP phone" correlates to IP telephone; Fig. 1, element 102, col. 2, lines 26 – 31*); a Service Gateway, wherein the Service Gateway is operable to couple to the IP telephone through the network *("element 100, IP phone switch" correlates to a Service Gateway, col. 2, lines 22 – 25, 38 – 44*); wherein the IP telephone is operable to send an identifier to the Service Gateway *(col. 2, lines 31 – 34);* wherein the Service Gateway is operable to: receive an identifier from the IP telephone *(Fig. 3, element 320 Service Provider ID, col. 3, lines 23 – 32);* determine if the identifier is valid *(Fig. 3, col. 3, lines 33 – 39);* receiving an identifier from the IP telephone *(Fig. 3, element 320 Service Provider ID, col. 3, lines 23 – 32)*; determining if a MAC ID for the IP telephone is valid *(Fig. 3, col. 3, lines 33 – 39)*; if the MAC ID is determined to be valid, determining if the identifier is valid *(Fig. 4, col. 4, lines 12 – 24).*

Lee et al. do not disclose explicitly assign a range of port numbers to the IP telephone based on the identifier; wherein the IP telephone is operable to use at least a subset of the range of port numbers to send or receive IP communications.

Schuster et al. in the same field of endeavor teach assign a range of port numbers to the IP telephone based on the identifier; wherein the IP telephone is operable to use at least a subset of the range of port numbers to send or receive IP communications *(col. 8, lines 52 – 55; col. 11, lines 1 – 12, col. 16, lines 13 – 20).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lee et al. to include the features of if assigning a range of port numbers to the IP telephone based on the identifier, wherein the IP telephone is operable to use at least a subset of the range of port numbers to send or receive IP communications as taught by Schuster et al. in order to provide a method for distributed network address translation in a network telephony system *(as suggested by Schuster et al., see col. 3, lines 19 – 21).*

3. Claims 8, 23, 38, 53, 10, 25, 40, 54, 11, 12, 26, 27, 41, 42, 56, 13, 28, 43, 57, 14, 29, 44, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US 6958992 B2) and Schuster et al. (US 6822957 B1) as applied to claims **1, 31, 46**, **2, 17, 32, 47, 3, 15, 18, 30, 33, 45, 48, 59**, **4, 6, 19, 34, 21, 36, 49, 51, 5, 20, 35, 50, 7, 22, 37, 52,** 16 above, and further in view of Fijolek et al. (US 6577642 B1).

**Regarding claims 8, 23, 38, 53,** Lee et al. disclose a method, system, and service gateway for configuring an IP telephone *(Fig. 3, Fig. 6, col. 1, lines 39 – 42),*

comprising: receiving an identifier from the IP telephone *(Fig. 3, element 320 Service Provider ID, col. 3, lines 23 – 32).* However, Lee et al. and Schuster et al. do not disclose expressly the method, system claimed wherein the identifier comprises a vendor class identifier.

Fijolek et al. in the same field of endeavor teach the method, system claimed wherein the identifier comprises a vendor class identifier *(col. 10, lines 60 – 67; col. 11, lines 5 – 9; col. 11 – 12, Table 1).*

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lee et al. and Schuster et al. to include the features of the method, system claimed wherein the identifier comprises a vendor class identifier as taught by Fijolek et al. in order to provide a variety of service offerings via and through a data-over-cable system, an exemplary data-over-cable system with telephony return includes customer premise equipment (e.g. a customer computer), a cable modem, a cable modem termination system, a cable television network, a public switched telephone network, a telephony remote access concentrator and a data network (e.g. the Internet). The cable modem termination system and the telephony remote access concentrator together are called a “telephony return termination system *(as suggested by Fijolek et al., see col. 5, lines 4 – 5; col. 1, lines 65 – 67; col. 2, lines 1 – 7).*

**Regarding claims 10, 25, 40, 54,** Lee et al. disclose the limitation of a method, system, and service gateway for configuring an IP telephone *(Fig. 3, Fig. 6, col. 1, lines*

*39 – 42)*, comprising: receiving an identifier from the IP telephone *(Fig. 3, element 320 Service Provider ID, col. 3, lines 23 – 32).*

Lee et al. and Schuster et al. does not disclose explicitly the method, system claimed wherein said identifier is comprised in a DHCP discover message, the method further comprising: issuing a DHCP offer to the IP telephone if the identifier is determined to be valid, wherein the DHCP offer comprises DHCP lease information based on the validated identifier; the IP telephone issuing a DHCP request in response to the issued DHCP offer; storing the DHCP lease information in response to the issued DHCP request; the IP telephone storing the DHCP lease information; and the IP telephone enabling DHCP settings comprised in the DHCP lease information.

Fijolek et al. in the same field of endeavor teach the method, system claimed wherein said identifier is comprised in a DHCP discover message, the method further comprising: issuing a DHCP offer to the IP telephone if the identifier is determined to be valid, wherein the DHCP offer comprises DHCP lease information based on the validated identifier *(Fig. 13, elements 270, 278, 280, 282, 286; col. 25, lines 40 – 63)*; the IP telephone issuing a DHCP request in response to the issued DHCP offer; storing the DHCP lease information in response to the issued DHCP request; the IP telephone storing the DHCP lease information; and the IP telephone enabling DHCP settings comprised in the DHCP lease information *(Fig. 13, elements 300, 302, 308, 312, 318, 322, 320, 324; col. 25, lines 40 – 63; col. 26, lines 44 – 64).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lee et al. and Schuster et al. to

include the features of the method, system claimed wherein said identifier is comprised in a DHCP discover message, the method further comprising: issuing a DHCP offer to the IP telephone if the identifier is determined to be valid, wherein the DHCP offer comprises DHCP lease information based on the validated identifier; the IP telephone issuing a DHCP request in response to the issued DHCP offer; storing the DHCP lease information in response to the issued DHCP request; the IP telephone storing the DHCP lease information; and the IP telephone enabling DHCP settings comprised in the DHCP lease information as taught Fijolek et al. in order to provide a variety of service offerings via and through a data-over-cable system, an exemplary data-over-cable system with telephony return includes customer premise equipment (e.g. a customer computer), a cable modem, a cable modem termination system, a cable television network, a public switched telephone network, a telephony remote access concentrator and a data network (e.g. the Internet). The cable modem termination system and the telephony remote access concentrator together are called a "telephony return termination system *(as suggested by Fijolek et al., see column 5, lines 4 – 5; col. 1, lines 65 – 67; col. 2, lines 1 – 7).*

**Regarding claims 11, 12, 26, 27, 41, 42, 55**, **56**, Lee et al. disclose a method, system, and service gateway for configuring an IP telephone *(Fig. 3, Fig. 6, co. 1, lines 39 – 42),* comprising: receiving an identifier from the IP telephone *(Fig. 3, element 320 Service Provider ID, col. 3, lines 23 – 32)* and Schuster et al. disclose the method, system claimed, wherein the range of port numbers and information indicating operational software for the IP telephone *(col. 5, lines 55 – 67; col. 13, lines 14 – 21;*

*col. 16, lines 13 – 20)*, the method further comprising: the IP telephone executing the indicated operational software to enable said IP communications *(col. 13, lines 14 – 21; col. 16, lines 13 – 20; col. 6, lines 3 – 23).*

However, Lee et al. and Schuster et al. do not disclose expressly the method, system of claimed wherein said DHCP lease information.

Fijolek et al. in the same field of endeavor teach the method, system of claimed wherein said DHCP lease information *(col. 24, lines 40 – 67).*

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lee et al. and Schuster et al. to include of the method, system of claimed wherein said DHCP lease information such as that taught by Fijolek et al. in order to provide a variety of service offerings via and through a data-over-cable system, an exemplary data-over-cable system with telephony return includes customer premise equipment (e.g. a customer computer), a cable modem, a cable modem termination system, a cable television network, a public switched telephone network, a telephony remote access concentrator and a data network (e.g. the Internet). The cable modem termination system and the telephony remote access concentrator together are called a “telephony return termination system *(as suggested by Fijolek et al., see col. 5, lines 4 – 5; col. 1, lines 65 – 67; col. 2, lines 1 – 7).*

**Regarding claims 13, 28, 43, 57**, Lee et al. disclose the method, system, and service gateway claimed wherein said issuing the request for the operational software comprises issuing a read request to a file transfer server, wherein said file transfer

server performs said providing the operational software to the IP telephone (*Fig. 3, col. 3, lines 21 – 32).*

**Regarding claims 14, 29, 44, 58,** Lee et al. disclose the method, system, and service gateway claimed wherein the file transfer server comprises a TFTP *(Trivial File Transfer Protocol) server (Fig. 3, Fig. 4, Fig. 5, Fig. 6, element 304 TFTP server, col. 2, lines 42 – 44).*

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 60, 68, 76, 100, 81, 105, 84, 92 are rejected under 35 U.S.C. 102(e) as being anticipated by Edholm (US 6772210 B1).

**Regarding claims 60, 68**, Edholm discloses a system, and method for hosted voice over internet protocol communications *("VoIP communication system"; Fig. 1, col. 4, lines 8 – 17),* the system comprising: an internet protocol device (IPD) configured to convey a first data packet with a first private IP address *("private VoIP device"; Fig. 1, col. 4, lines 22 – 26);* and a service gateway (SG) *("gateway"; Fig. 1, col. 4, lines 11 – 14);* wherein the SG is configured to: receive the first data packet with the first private IP

address *(Fig. 4, element 404, col. 6, lines 57 – 60);* and perform network address translation (NAT) on the first data packet with a second private IP address, the second private IP address being assigned by a service provider *(col. 4, lines 56 – 66, col. 6, line 67, col. 7, lines 1 – 12).*

**Regarding claims 76, 100**, Edholm discloses one or more computer readable storage media, said media comprising program instructions for hosting voice over internet protocol communications *("memory device"; Fig. 7, col. 10, lines 9 – 61),* wherein the program instructions *("source code and computer program"; col. 10, lines 9 – 61)*)are executable to: receive a first data packet with a private IP address at a service gateway (SG), the first data packet being conveyed with the private IP address from an internet protocol device (IPD) (Fig. 1, Fig. 4, element 404, 410; col. 6, lines 55 - 67); and perform network address translation (NAT) on the first data packet with a first public IP address *(Fig. 1, Fig. 4, elements 418, 420; col. 7, lines 1 – 12).*

**Regarding claims 81, 105**, Edholm discloses a service gateway for use in a voice over internet protocol communications system *(Fig. 7, element 106 gateway, col. 8, lines 38 – 39),* the service gateway comprising: a first interface configured to receive a first data packet with a private IP address from an internet protocol device (IPD) *(Fig. 7, element 710, private network Interface; col. 8, lines 38 – 58)*; and a second interface configured to communicate via a tunnel; wherein the service gateway is configured to: perform network address translation (NAT) on the first data packet with a first public IP address *(Fig. 7, elements 702, 706, translator, public network Interface; col. 8, lines 38 – 58).*

**Regarding claims 84, 92**, Edholm discloses a system, and method for hosted voice over internet protocol communications *("VoIP communication system"; Fig. 1, col. 4, lines 8 – 17),* the system comprising: an internet protocol device (IPD) configured to convey a first data packet with a private IP address *("private VoIP device"; Fig. 1, col. 4, lines 22 – 26);* and a service gateway (SG) *("gateway"; Fig. 1, col. 4, lines 11 – 14);* wherein the SG is configured to: receive the first data packet with the private IP address *(Fig. 4, element 404, col. 6, lines 57 – 60);* and perform network address translation (NAT) on the first data packet with a first public IP address. *(col. 4, lines 56 – 66, col. 6, line 67, col. 7, lines 1 – 12).*

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 61 – 66, 69 – 74, 77 – 80, 82, 85 – 90, 93 – 98, 101 – 104, 106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edholm (US 6772210) in view of Larson (US 20020093915 A1).

**Regarding claims 61, 69**, Edholm discloses the system, and method claimed wherein the SG is further configured to: encapsulate the translated first data packet to form a first encapsulated data packet, the first encapsulated data packet having a first public IP address as a destination address and a second public Ip address as a source

address; and convey the first encapsulated data *(Fig. 4, col. 4, lines 56 – 66, col. 6, line 67, col. 7, lines 1 – 12).*

Edholm does not disclose explicitly convey the first encapsulated data via a tunnel.

Larson in the same field of endeavor teach convey the first encapsulated data packet from the SG via a tunnel ("VPN tunnel is established.."; paras. [0054], [0055]).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Edholm to include the features of convey the first encapsulated data packet from the SG via a tunnel as taught by Larson. One of ordinary skill in the art would be motivated to do so for providing a method for creating a VPN over a telecommunications network by sending a certificate request for a virtual private network device to a certification authority connected to the telecommunications network *(as suggested by Larson., see para. [0045]).*

**Regarding claims 62, 70**, Edholm discloses the system, and method claimed further comprising a gatekeeper coupled to the SG via a network, wherein the gatekeeper is configured to: receive the first encapsulated data packet; un-encapsulate the first encapsulated data packet to recover the first data packet including the second private IP address; and convey the first data packet to a destination (col. 4, lines 47 – 67).

Edholm does not discloses virtual private network concentrator (VPNC) coupled to the SG via a network, wherein the VPNC is configured to receive the first encapsulated data packet via the tunnel.

Larson in the same field of endeavor teach virtual private network concentrator (VPNC) coupled to the SG via a network, wherein the VPNC is configured to receive the first encapsulated data packet via the tunnel *("VPN concentrator", "VPN tunnel is established.."; paras. [0054], [0055]).*

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Edholm to include the features of virtual private network concentrator (VPNC) coupled to the SG via a network, wherein the VPNC is configured to receive the first encapsulated data packet via the tunnel as taught by Larson. One of ordinary skill in the art would be motivated to do so for providing a method for creating a VPN over a telecommunications network by sending a certificate request for a virtual private network device to a certification authority connected to the telecommunications network *(as suggested by Larson., see para. [0045]).*

**Regarding claims 63, 71**, Edholm discloses the system, and method claimed wherein a second data packet destined for the IPD is conveyed to the second private IP address (Fig. 3, element 304), and wherein the system configured to: receive the second data packet routed using the second private IP address *(Fig. 3, element 304, col. 6, lines 34 – 36);* encapsulate the received second data packet to form a second encapsulated data packet with a destination IP address comprising the second public IP address *(Fig. 3, element 312, col. 6, lines 31 - 53);* and convey the second encapsulated data packet using the second public IP address as a destination IP address *(Fig. 3, element 316, col. 6, lines 31 – 53).*

Edholm does not disclose explicitly wherein the VPNC configured to and convey the second encapsulated data packet via a tunnel.

Larson in the same field of endeavor teach wherein the VPNC configured to and convey the second encapsulated data packet via a tunnel *("VPN concentrator", "VPN tunnel is established.."; paras. [0054], [0055]).*

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Edholm to include the features of wherein the VPNC configured to and convey the second encapsulated data packet via a tunnel as taught by Larson. One of ordinary skill in the art would be motivated to do so for providing a method for creating a VPN over a telecommunications network by sending a certificate request for a virtual private network device to a certification authority connected to the telecommunications network *(as suggested by Larson., see para. [0045]).*

**Regarding claims 64, 72**, Edholm discloses the system, and method claimed wherein the SG is configured to: receive the second encapsulated data packet *(Fig. 5, element 504);* un-encapsulate the second encapsulated data packet to recover the second data packet, the second data packet having the second public IP address as a destination IP address *(Fig. 5, element 506, col. 8, lines 10 – 23);* perform network address translation on the second data packet *(col. 8, lines 15 – 18)*; and convey the second data packet to the IPD using the first private IP address as a destination address *(col. 8, lines 15 – 23).*

**Regarding claims 65, 73**, Edholm discloses the system, and method claimed wherein the second private IP address of the service gateway is assigned by a service provider *("gatekeeper"; col. 4, lines 47 – 66).*

**Regarding claims 66, 74**, Edholm discloses the system, and method claimed wherein the SG is configured to only encapsulate packets conveyed by the IPD that are signaling packets *(Fig. 2A, "sending a request …."; col. 5, lines 27 – 40).*

**Regarding claims 77, 101**, Edholm discloses the storage media claimed wherein the program instructions are further executable to: encapsulate the translated first data packet to form a first encapsulated data packet, the first encapsulated data packet having a destination address comprising a second public IP address different from the first public IP address *(Fig. 6, col. 8, lines 15 – 18, 24 – 37);* and convey the first encapsulated data packet from the SG using the second public IP address as a source IP address *(Fig. 6, element 610, col. 8, lines 24 – 37).*

Edholm does not disclose explicitly convey the first encapsulated data packet from the SG via a tunnel.

Larson in the same field of endeavor teach convey the first encapsulated data packet from the SG via a tunnel *("VPN tunnel is established.."; paras. [0054], [0055]).*

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Edholm to include the features of convey the first encapsulated data packet from the SG via a tunnel as taught by Larson. One of ordinary skill in the art would be motivated to do so for providing a method for creating a VPN over a telecommunications network by sending a certificate request for

a virtual private network device to a certification authority connected to the telecommunications network *(as suggested by Larson., see para. [0045]).*

**Regarding claims 78, 102**, Edholm discloses the storage media claimed wherein the program instructions are further executable to: receive the first encapsulated data packet *(Fig. 5, element 504);* un-encapsulate the first encapsulated data packet to recover the first data packet *(Fig. 5, element 506; col. 8, lines 10 - 23),* and convey the first data packet to a destination using the first public IP address *(Fig. 5, element 508, col. 8, lines 10 – 23).*

Edholm does not disclose explicitly receive the first encapsulated data packet via the tunnel at a virtual private network concentrator (VPNC).

Larson in the same field of endeavor teach receive the first encapsulated data packet via the tunnel at a virtual private network concentrator (VPNC); *("VPN concentrator", "VPN tunnel is established..."; paras. [0054], [0055]).*

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Edholm to include the features of receive the first encapsulated data packet via the tunnel at a virtual private network concentrator (VPNC) as taught by Larson. One of ordinary skill in the art would be motivated to do so for providing a method for creating a VPN over a telecommunications network by sending a certificate request for a virtual private network device to a certification authority connected to the telecommunications network *(as suggested by Larson., see para. [0045]).*

**Regarding claims 79, 103**, Edholm discloses the storage media claimed wherein a second data packet destined for the IPD is conveyed to the first public IP address *(Fig. 3, element 304),* and wherein the program instructions are further executable to: route the second data packet using the first public IP address *(Fig. 3, element 304)*; receive the second data packet *(Fig. 3, element 304, col. 6, lines 34 – 36);* encapsulate the received second data packet to form a second encapsulated data packet with a destination IP address comprising the second public IP address *(Fig. 3, element 312, col. 6, lines 31 – 53)*; and convey the second encapsulated data packet using the second public IP address as a destination IP address *(Fig. 3, element 316, col. 6, lines 31 – 53).*

Edholm does not disclose explicitly route the data packet to the VPNC; receive the data packet at the VPNC; convey the second encapsulated data packet via a tunnel. Edholm does not disclose explicitly route the data packet to the VPNC; receive the data packet at the VPNC; convey the second encapsulated data packet via a tunnel. Larson in the same field of endeavor teach route the data packet to the VPNC; receive the data packet at the VPNC; convey the second encapsulated data packet via a tunnel *("VPN concentrator", "VPN tunnel is established.."; paras. [0054], [0055]).*

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Edholm to include the features of route the data packet to the VPNC; receive the data packet at the VPNC; convey the second encapsulated data packet via a tunnel as taught by Larson. One of ordinary skill in the art would be motivated to do so for providing a method for creating a VPN over a

telecommunications network by sending a certificate request for a virtual private network device to a certification authority connected to the telecommunications network *(as suggested by Larson., see para. [0045]).*

**Regarding claims 80, 104**, Edholm discloses the storage media claimed wherein the program instructions are further executable to: receive the second encapsulated data packet at the SG *(Fig. 5, element 504);* un-encapsulate the second encapsulated data packet to recover the second data packet, the second data packet having the first public IP address as a destination IP address *(Fig. 5, element 506; col. 8, lines 10 - 23)*; perform network address translation on the second data packet with the first public IP address *(col. 8, lines 15 - 18);* and convey the second data packet to the IPD using the private IP address as a destination address *(col. 8, lines 15 – 23).*

**Regarding claims 82, 106**, Edholm discloses the service gateway claimed wherein the service gateway is further configured to: encapsulate the translated first data packet to form a first encapsulated data packet, the first encapsulated data packet having a destination address comprising a second public IP address different from the first public IP address (Fig. 1, Fig. 4, element 404, 410; col. 6, lines 55 – 67, *(Fig. 6, col. 8, lines 15 – 18, 24 – 37*) ; and convey the first encapsulated data packet via a tunnel using the second public IP address as a source IP address *(Fig. 6, element 610, col. 8, lines 24 – 37)*.

Edholm does not disclose explicitly convey the first encapsulated data packet via a tunnel.

Larson in the same field of endeavor teach convey the first encapsulated data packet via a tunnel *("VPN tunnel is established.."; paras. [0054], [0055]).*

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Edholm to include the features of convey the first encapsulated data packet via a tunnel as taught by Larson. One of ordinary skill in the art would be motivated to do so for providing a method for creating a VPN over a telecommunications network by sending a certificate request for a virtual private network device to a certification authority connected to the telecommunications network *(as suggested by Larson., see para. [0045]).*

**Regarding claims 85, 93**, Edholm discloses the system, and method claimed wherein the SG is further configured to: encapsulate the translated first data packet to form a first encapsulated data packet *(Fig. 4)*, the first encapsulated data packet having a destination address comprising a second public IP address different from the first public IP address, and convey the first encapsulated data packet using the second public IP address as a source IP address *(Fig. 4, col. 4, lines 56 – 66, col. 6, line 67, col. 7, lines 1 – 12).*

Edholm does not disclose explicitly convey the first encapsulated data via a tunnel.

Larson in the same field of endeavor teach convey the first encapsulated data packet from the SG via a tunnel *("VPN tunnel is established.."; paras. [0054], [0055]).*

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Edholm to include the features of

convey the first encapsulated data packet from the SG via a tunnel as taught by Larson. One of ordinary skill in the art would be motivated to do so for providing a method for creating a VPN over a telecommunications network by sending a certificate request for a virtual private network device to a certification authority connected to the telecommunications network *(as suggested by Larson., see para. [0045]).*

**Regarding claims 86, 94**, Edholm discloses the system, and method claimed further comprising a gatekeeper coupled to the SG via a network, wherein the gatekeeper is configured to: receive the first encapsulated data packet; un-encapsulate the first encapsulated data packet to recover the first data packet including the second private IP address; and convey the first data packet to a destination *(col. 4, lines 47 – 67).*

Edholm does not discloses virtual private network concentrator (VPNC) coupled to the SG via a network, wherein the VPNC is configured to receive the first encapsulated data packet via the tunnel.

Larson in the same field of endeavor teach virtual private network concentrator (VPNC) coupled to the SG via a network, wherein the VPNC is configured to receive the first encapsulated data packet via the tunnel *("VPN concentrator", "VPN tunnel is established.."; paras. [0054], [0055]).*

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Edholm to include the features of virtual private network concentrator (VPNC) coupled to the SG via a network, wherein the VPNC is configured to receive the first encapsulated data packet via the tunnel as

taught by Larson. One of ordinary skill in the art would be motivated to do so for providing a method for creating a VPN over a telecommunications network by sending a certificate request for a virtual private network device to a certification authority connected to the telecommunications network *(as suggested by Larson., see para. [0045]).*

**Regarding claims 87, 95**, Edholm discloses the system, and method claimed wherein a second data packet destined for the IPD is conveyed to the second private IP address (Fig. 3, element 304), and wherein the system configured to: receive the second data packet routed using the second private IP address *(Fig. 3, element 304, col. 6, lines 34 – 36);* encapsulate the received second data packet to form a second encapsulated data packet with a destination IP address comprising the second public IP address *(Fig. 3, element 312, col. 6, lines 31 - 53);* and convey the second encapsulated data packet using the second public IP address as a destination IP address *(Fig. 3, element 316, col. 6, lines 31 – 53).*

Edholm does not disclose explicitly wherein the VPNC configured to and convey the second encapsulated data packet via a tunnel.

Larson in the same field of endeavor teach wherein the VPNC configured to and convey the second encapsulated data packet via a tunnel *("VPN concentrator", "VPN tunnel is established.."; paras. [0054], [0055]).*

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Edholm to include the features of wherein the VPNC configured to and convey the second encapsulated data packet via a

tunnel as taught by Larson. One of ordinary skill in the art would be motivated to do so for providing a method for creating a VPN over a telecommunications network by sending a certificate request for a virtual private network device to a certification authority connected to the telecommunications network *(as suggested by Larson., see para. [0045]).*

**Regarding claims 88, 96**, Edholm discloses the system, and method claimed wherein the SG is configured to: receive the second encapsulated data packet *(Fig. 5, element 504)*; un-encapsulate the second encapsulated data packet to recover the second data packet, the second data packet having the first public IP address as a destination IP address *(Fig. 5, element 506, col. 8, lines 10 -23);* perform network address translation on the second data packet with the first public IP address *(col. 8, lines 15 – 18);* and convey the second data packet to the IPD using the private IP address as a destination address *(col. 8, lines 15 – 23*).

**Regarding claims 89, 97**, Edholm discloses the system, and method claimed wherein the first public IP address is assigned by a voice over internet protocol provider, and the second public IP address is assigned by a customer's internet service provider *("gatekeeper"; col. 4, lines 47 – 66).*

**Regarding claims 90, 98**, Edholm discloses the system, and method claimed wherein the SG is configured to only encapsulate packets conveyed by the IPD that are signaling packets *(Fig. 2A, "sending a request …."; col. 5, lines 27 – 40).*

8. Claims 67, 75, 83, 107, 91, 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edholm (US 6772210), and Larson (US 20020093915 A1) as applied

to claims 60, 61, 68, 69, 81, 82, 105, 106, 84, 85, 92, 93 above, and further in view of Schuster et al. (6822957 B1).

**Regarding claims 67, 75**, Edholm discloses the system, and method claimed wherein the first data packet comprises the first private IP address as a source IP address and a source port number (*Fig. 6, element 606*); and

wherein in performing said network address translation, the SG is configured to change the first private IP address to the second private IP address *(Fig. 6, element 606, col. 8, lines 24 – 37)*

Edholm and Larson do not disclose explicitly while leaving the source port number unchanged, wherein the first public IP address and the source port number may be used to uniquely identify the IPD.

Schuster et al. in the same field of endeavor teach leaving the source port number unchanged, wherein the first public IP address and the source port number may be used to uniquely identify the IPD *(Fig. 9, col. 15, lines 32 – 47; col. 16, lines 13 – 20).*

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Edholm and Larson to include the features of leaving the source port number unchanged, wherein the first public IP address and the source port number may be used to uniquely identify the IPD as taught by Schuster et al. in order to provide a method for distributed network address translation in a network telephony system *(as suggested by Schuster et al., see column 3, lines 19 – 21).*

**Regarding claims 83, 107**, Edholm discloses the service gateway claimed wherein the first data packet comprises the private IP address as a source IP address and a source port number *(Fig. 6, element 606);* and wherein in performing said network address translation, the service gateway is configured to change the private IP address to the first public IP address *(Fig. 6, element 606, col. 8, lines 24 – 37).*

Edholm and Larson do not disclose explicitly while leaving the source port number unchanged, wherein the first public IP address and the source port number may be used to uniquely identify the IPD.

Schuster et al. in the same field of endeavor teach leaving the source port number unchanged, wherein the first public IP address and the source port number may be used to uniquely identify the IPD *(Fig. 9, col. 15, lines 32 – 47; col. 16, lines 13 – 20).*

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Edholm and Larson to include the features of leaving the source port number unchanged, wherein the first public IP address and the source port number may be used to uniquely identify the IPD as taught by Schuster et al. in order to provide a method for distributed network address translation in a network telephony system *(as suggested by Schuster et al., see column 3, lines 19 – 21).*

**Regarding claims 91, 99**, Edholm discloses the system, and method claimed wherein the first data packet comprises the private IP address as a source IP address and a source port number *(Fig. 6, element 606);* and wherein in performing said network

address translation, the SG is configured to change the private IP address to the first public IP address *(Fig. 6, element 606, col. 8, lines 24 – 37).*

Edholm and Larson do not disclose explicitly while leaving the source port number unchanged, wherein the first public IP address and the source port number may be used to uniquely identify the IPD.

Schuster et al. in the same field of endeavor teach leaving the source port number unchanged, wherein the first public IP address and the source port number may be used to uniquely identify the IPD *(Fig. 9, col. 15, lines 32 – 47; col. 16, lines 13 – 20).*

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Edholm and Larson to include the features of leaving the source port number unchanged, wherein the first public IP address and the source port number may be used to uniquely identify the IPD as taught by Schuster et al. in order to provide a method for distributed network address translation in a network telephony system *(as suggested by Schuster et al., see column 3, lines 19 – 21).*

**(10) Response to Argument**

**a)** Claim Rejections - 35 USC § 103 over Lee et al. (US 6958992 B2) in view of Shuster et al. (US 6822957 B1).

In the appellant Appeal Brief (pages 13 – 14), appellant argues that Independent claim 1 recites, in part:

**"receiving an identifier from the IP telephone**;

> determining if a MAC ID for the IP telephone is valid;
> if the MAC ID is determined to be valid, determining if the identifier is valid; if the identifier is valid, assigning a range of port numbers to the IP telephone based on the identifier, wherein the IP telephone is operable to use at least a subset of the range of port numbers to send or receive IP communications." (emphasis added)

In paragraph 6 of the Office Action dated January 22, 2009, the Examiner asserts that that Lee discloses:

> **"receiving an identifier from the IP telephone (Fig. 3, element 320 Service Provider ID, col. 3, lines 23 - 32)**; determining if the identifier is valid (Fig. 3, col. 3, lines 33 - 39); determining if a MAC 1D for the IP telephone is valid (Fig. 3, col. 3, lines 33 - 39); if the MAC ID is determined to be valid, determining if the identifier is valid (Fig. 4, col. 4, lines 12 - 24, col. 6, lines 14 - 26)." (emphasis added)

Appellant respectfully submits that the Examiner has clearly misinterpreted FIG. 3 and the Lee patent disclosure. Specifically, element 320 of FIG. 3 is described by Lee as a communication transmitted by "IP Phone Service Provider" 202, and the communication is described as "Open Port (Svc Provider ID, MAC, Set Type, Port)" 320. The communication is received by "(Per Control Set Registration Process)" 204. The term "Svc Provider ID" of FIG. 3 of Lee refers to the ID of "IP Phone Service Provider" 202 that transmitted the communication element 320. The "IP Phone" 102 is a distinct entity, and "IP Phone" 102 does not transmit any "Svc Provider ID." At best, Lee discloses merely receiving "Svc Provider ID" 320 from "IP Phone Service Provider" 202. Lee does not disclose a method which comprises receiving an identifier from the IP telephone.

Appellant submits that the "Svc Provider ID" of Lee does not teach or suggest the independent claim 1 feature of "receiving an identifier from the IP telephone."

In response to appellant's remark/argument above, Examiner respectfully disagrees. Examiner contends reference Lee et al. teach "receiving an identifier from the IP telephone." Examiner interpreted "Svc Provider ID" as identifier from the IP", see Fig. 3 col. 3, lines 8 – 65. The "Svc Provided ID" is being pre-assigned as one of the parameter ("Open Port (Svc Provider ID, MAC, Set Type, Port)") in an image or configuration file to the IP phone during the IP phone is power up, initialization and registration processes with the gateway or IP phone service provider, see also reference Lee et al. Fig. 3, col. 3, lines 8 – 65 (which is correlated to appellant's Figure 4). After all the processes completed, the image or configuration file including the registered/pre-assigned vender ID then downloaded to and stored in the IP phone, the IP phone can then send the registered ID and related parameters to the gateway for further validation/verification before starting any voice communications services . As indicated also in reference Lee et al. col. 6, lines 49 – 53, all the ID and related parameters are sent from the IP phone.

As disclosed clearly in appellant's specification, pages 16, lines 15 - 26, for DHCP and page 17, lines 1 - 56 for TFTP indicates all the configuration or images for IP phone including the identifier of IP phone has to be configured and assigned and set up by the service provider using the DHCP and TFTP servers, see appellant's specification, Figures 4A, 4B, 5A, and 5B, also the services support by DHCP, pages 20 – 22, for all the related parameters. Based on the above discussion, reference Lee et. al. disclose "receiving an identifier from the IP telephone."

Claims 16, 31, and 46 are also rejected under 35 USC § 103 over Lee et al. (US 6958992 B2) in view of Shuster et al. (US 6822957 B1), since the claims recite similar claim subject matter features as in claim 1. The dependent claims 2 – 7, 15 – 22, 30 – 37, 45 – 52 and 59 are also rejected under 5 USC § 103 since the claims are dependent upon Independent claims 1, 16, 31, and 46, respectively.

The rejections under 35 USC § 103 over Lee et al. and Shuster et al. for the claims 1, 16, 31, 46 , 2 – 7, 15 – 22, 30 – 37, 45 – 52, 59 are sustained.

**b)** Claim Rejections - 35 USC § 103 over Lee et al. (US 6958992 B2) and Shuster et al. (US 6822957 B1) in view of Fijolrk et al. (US 6577642 B1).

In the appellant Appeal Brief (pages 14 – 15), appellant argues that dependent claims 8, 10-14, 23, 25-29, 38, 40-44, and 53-58 are patentable for, at a minimum, the same reasons as their respective base claims, as well as on their own merits. As noted above, Lee does not teach or suggest a specific element of the claims on appeal. Schuster does not remedy this deficiency, and neither does Fijolek.

In response to appellant's remark/argument above, Examiner respectfully disagrees. Appellant merely and broadly addresses "Lee does not teach or suggest a specific element of the claims on appeal". Without specified explicitly what "a specific element of the claims on appeal" is by the appellant, Examiner assumed appellant's "a specific element of the claims on appeal" is the remark indicated in item a). Examiner contends reference Lee et al. teach a specific element of the claims on appeal (see remark as addressed above in item a)). The combined system of Schuster and Fijolek does remedy the deficiencies of Lee et al. by disclosing assigning a range of port

numbers to the IP telephone based on the identifier, wherein the IP telephone is operable to use at least a subset of the range of port numbers to send or receive IP communications, see Schuster, col. 13, lines 1 – 27, 40 – 42, and wherein the identifier comprises a vendor class identifier, see, Fijolek et al., col. 10, lines 60 – 67; col. 11, lines 5 – 9; col. 11 – 12, Table 1.

Hence the rejections under 35 USC § 103 over Lee et al. and Shuster et al. in view of Fijolrk et al. for the dependent claims 8, 10-14, 23, 25-29, 38, 40-44, and 53-58 are sustained.

**c)** 35 U.S.C. 102(e) as being anticipated by Edholm (US 6772210 B1).

Regarding claims 60, 68, 76, 81, 84, 92, 100 and105, appellant merely argues Independent claim 60 recites, in part,

> "receive the first data packet with the first private IP address; and **perform network address translation (NAT) on the first data packet with a second private IP address**, the second private IP address being assigned by a service provider." (emphasis added)

The Examiner in the Office Action dated January 22, 2009, at pages 16 and 17, asserts that Edholm discloses that:

> "[T]he SG is configured to: receive the first data packet with the first private IP address (Fig. 4, element 404, col. 6, lines 57 - 60); and **perform network address translation (NAT) on the first data packet with a second private IP address**, the second private IP address being assigned by a service provider (col. 4, lines 56 - 66, col. 6, line 67, col. 7, lines 1-12.)" (emphasis added)

Appellant respectfully disagrees. Edholm, at column 4, lines 56-66, states: "The calling VoIP device typically obtains the (public) network address or address/port number pair for the called VoIP device directly or indirectly from the gateway 106.

Specifically, a request may be sent to the gateway 106 requesting the (public) network address for the called VoIP device. The request may be sent by the gatekeeper 112, in which case the gatekeeper 112 obtains the (public) network address for the called VoIP device from the gateway 106 and provides the (public) network address for the called VoIP device to the calling VoIP device, typically along with the gateway address."

Further, Edholm, at column 6, line 67 to column 7, line 12, states:

The logic selects a public address for the private VoIP device 110 from an address pool, in block 412, and optionally selects a port number (socket) for the private VoIP device 110, in block 414. The logic installs an address translation entry in the address mapping database mapping the private address of the private VoIP device 110 to the public address or public address/port number pair for the private VoIP device 110, in block 416. The logic determines the public address for the public VoIP device 102, in block 418, for example, based upon address mapping information contained in an address mapping database. The logic returns the public address for the public VoIP device, in block 420. The logic 400 terminates in block 499. (emphasis added)

It is clear from the above citations that Edholm does not teach or suggest performing network address translation with a second private IP address, as required by appealed claim 60. In contrast to the requirements of claim 60, Edholm describes "mapping the private address of the private VoIP device 110 to the public address..." Even if one were to assume the disclosed private address and public address of Edholm were a private IP address and public IP address (which Appellant does not

admit), there is no disclosure of a translation with a second private IP address as required by claim 60.

Appellant submits claim 60 is patentable over Edholm, and withdrawal of the rejection is requested. Anticipation requires an exact disclosure of the claim elements in the claim in question. Such is not the case herein, in as much as Edholm lacks performing network address.

In response to appellant's remark/argument above, Examiner respectfully disagrees. Examiner contends reference Edholm does teach performing network address translation with a second private IP address, as required by appealed claim 60. Examiner interpreted "performing network address translation with a second private IP address" as "requesting the network address, see col. 4, lines 56 – 66, Fig. 7, and "…address translation …. And mapping private address…" col. 7, lines 1 – 12, see also Fig. 5, col. 8, lines 10 – 23. The "performing network address translation with a second private IP address" is interpreted as on the receiving side of the gateway as indicated in Fig. 5.

Hence the rejections under 35 U.S.C. 102(e) for claims 60, 68, 76, 81, 84, 92, 100, 105 are sustained.

**d)** 35 U.S.C. 103(a) as being unpatentable over Edholm (US 6772210) in view of Larson (US 20020093915 A1).

Appellant then argues "as discussed above, claims 60, 68, 76, 81, 84, 92, 100, and 105 are patentable since Edholm does not teach or suggest all of the elements of those claims. Larson does not remedy the deficiencies of Edholm. Appellant submits

that claims 61-66, 69-74, 77-80, 82, 85-90, 93- 98, 101-104, and 106, which depend from claims 60, 68, 76, 81, 84, 92, 100, and 105, are patentable for, at a minimum, the same reasons as their respective independent claims, as well as on their own merits". Appellant urges the Examiner to reconsider and withdraw this rejection and, in the event the Examiner does not withdraw the rejection, the Board is requested to reverse the rejection.

a. In response to appellant's remark/argument above, Examiner respectfully disagrees. Examiner contends the combined system of references Edholm and Larson teaches all of the elements of those claims, see section (9) Grounds of Rejection, item 7.

The rejections under 35 U.S.C. § 103 for claims 61-66, 69-74, 77-80, 82, 85-90, 93- 98, 101-104, and 106 are sustained.

**e)** Claims 67, 75, 83, 107, 91, 99 rejections under 35 U.S.C. 103(a) over Edholm and Larson further in view of Schuster et al.

Appellant merely argues "As discussed above, claims 60, 68, 81, 84, 92, and 105 are patentable over the art relied upon by the Examiner. Appellant submits that claims 67, 75, 83, 91, 99 and 107, which are dependent from these claims, are patentable for, at a minimum, the same reasons as their respective base claims, as well as on their own merits. Appellant urges the Examiner to reconsider and withdraw this rejection and, in the event the Examiner does not withdraw the rejection, the Board is requested to reverse the rejection."

In response to appellant's remark/argument above, Examiner respectfully disagrees. Examiner contends the combined system of references Edholm, Larson and

Schuster teaches all of the elements of those claims, see section (9) Grounds of Rejection, item 8.

The rejections under 35 U.S.C. § 103 for claims 67, 75, 83, 91, 99 and 107 are sustained.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

For the above reasons, it is believed that the rejections, claims 1- 8, 10 – 23, 25 – 38, 40 – 107, should be submitted.

Respectfully submitted,

/Andrew C Lee/

Andrew C. Lee, Examiner, Art Unit 2476

Conferees:

Ayaz Sheikh, (Supervisory Examiner AU 2476)

/Ayaz R. Sheikh/

Supervisory Patent Examiner, Art Unit 2476

/Salman Ahmed/

Primary Examiner, Art Unit 2476